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## REMARKS

### Summary of this Amendment

Claims 1-6, 11,-14, 19-25, 30-33, 38-43 and 48-51 stand rejected under 35 USC 103 as unpatentable over Fuller in view of Arbel, herein referred to as "Fuller/Arbel." Claims 7-10, 17, 26-29, 36, 44-47 and 52 stand rejected under 35 USC 103 as unpatentable over Fuller/Arbel further in view of Rogers.

The claims have been amended to more particularly distinguish the invention over the cited prior art. The claims have also been amended in other ways not based on considerations of prior art but, rather, to correct minor errors and/or to clarify and/or more particularly define that which applicants regard as the invention. The latter include, for example, amendments indicated at the following points in various claims: claim 1, lines 1-3; claim 19, lines 1-3; claim 38, lines 8 and 12-13; claim 52, lines 6-10. Those changes to the claims, it is submitted, do not change the scope of the claims but only clarify the subject matter sought to be claimed.

Applicants specifically note that the version of claim 25 presented in applicants' amendment of 10/31/02 included an extraneous word—the word "is"—in line 1 that was not present in the original version of claim 25. Inasmuch as this was a typographic error rather than a claim amendment, claim 25 shown in this amendment simply reproduces the original claim 25.

### The Present Invention Compared to the Prior Art

The present invention is directed to a particular technique for providing call forwarding in an IP telephone network. A call for a particular telephone (the "first" telephone of applicants' claims) is directed to a call management device (hereinafter "call manager") within the IP network. The call manager does not immediately cause ringing at the called telephone. Rather, it sends a data message indicative of the fact of the call to the called customer premises. If an active call forwarding profile is found at the called customer

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premises, the profile information is sent back to the call manager. The call manager then takes steps to forward the call based on the information that it receives. The profile information may include conditions for call forwarding, such as restricting call forwarding for calls that originate from certain calling telephone numbers. Other conditions may relate to time-of-day or day-of-week, for example.

As the Office action notes, Fuller discloses a control system 10 that utilizes the three-way calling capability of the telephone service central office to perform call forwarding, but does not check as to whether there is an active call forwarding profile. Arbel is cited for a teaching of creating/setting up a call forwarding profile.

Applicants understand that the cited combination of Fuller and Arbel is envisioned by the Office action to be an arrangement in which the Fuller control system 10 -would include a call forwarding profile as taught by Arbel to determine the conditions under which control system 10 would carry out its call forwarding function. Applicants further understand it to be the examiner's position that it would be obvious to connect the Fuller/Arbel arrangement to an IP telephony network.

For purposes of this amendment, applicants will assume that it would have been obvious to make the asserted Fuller/Arbel combination in this way and to connect it to an IP telephony network.

However, there remain important differences between applicants' invention and the Fuller/Arbel combination, and these are set forth in applicants' claims, as described below.

In particular, Fuller/Arbel provides call forwarding through a different mechanism than applicants'. Unlike in applicants' invention, the called telephone in Fuller/Arbel is actually caused to ring in Fuller/Arbel in the first instance. Control system 10 then invokes the three-way calling feature provided by the telephone company to signal the central office to transfer the call to a third number based perhaps on such predefined conditions as the identity of the calling party or time-based limitations.

It is thus seen that applicants' approach differs from Fuller/Arbel in the important aspect that applicants' customer premises equipment delivers the profile information back into the network to the call manager. It is then up to the call manager to process that information and to make call forwarding decisions and actions based on the information.

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These may include, for example, a decision about whether a call from this caller should be forwarded at all. If so, is this a time of day when that call should be forwarded? If so, to what telephone number(s) should the call be forwarded based on, for example, the time of day or the identity of the caller?

Thus unlike Fuller/Arbel, applicants' customer premises equipment does not carry out any call-forwarding decision-making. Moreover, in further contradistinction to Fuller/Arbel, applicants' customer premises equipment does not carry out any actual call forwarding processing other than to forward the call forwarding profile information back into the network, i.e., to the call manager. The call manager does all the work, so to speak.

### Independent Claim 1

Claim 1 is a method claim directed to a method for providing call forwarding in an IP telephone network pursuant to the principles of the invention. Among its limitations distinguishing the invention from Fuller/Arbel are as follows:

Claim 1 indicates that the call manager sends to the customer premises equipment "at least a first data message" containing information pertaining to the call (lines 5-6). Fuller/Arbel's customer premises equipment, by contrast, does not receive any such data message. It receives a normal ringing signal.

Claim 1 further recites that that first data message is sent "without extending the call to that customer premises equipment or to said first telephone" (lines 5-8). In Fuller/Arbel, by contrast, the call is extended to control system 10 and/or to Fuller/Arbel's telephone. Note that the call must be completely connected in Fuller/Arbel in order for Fuller/Arbel's control system 10 to proceed with its switch-hook-flash-initiated three-way-calling operation.

Claim 1 further recites that applicants' customer premises equipment sends to the call manager "at least a second data message that includes call forwarding information" of the profile including conditions for call forwarding (lines 14-16). By contrast, Fuller/Arbel's customer premises equipment does not send to the central office any call forwarding information that includes conditions for call forwarding. Fuller/Arbel's control

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system 10 would process any and all conditions for call forwarding internally and control system 10 would decide all on its own whether the call is to be forwarded and to where. Control system 10 would then go ahead to simply invoke the call transfer feature provided by the central office as a way of getting the call to be forwarded to whatever telephone number control system 10 decided that the call should go to.

Applicants note that it is well known in conventional PSTN telephony to provide a call forwarding service in which, if call forwarding is active, the call isn't actually extended to the called telephone. Rather, in such prior art the central office diverts the call directly to the third telephone. However, the telephone number to which the call is forwarded in such prior art is stored at the central office, not at the customer premises equipment. Thus although such prior art might meet the limitation "without extending the call to that customer premises equipment or to said first telephone," it would not meet the other limitations in claim 1 discussed above.

#### Independent Claim 19

Claim 19 is directed to an IP telephone system embodying the principles of the invention. This claim includes the limitation of "means for sending said active call forwarding profile to said call management device" (lines 9-10). The claim requires that the call management device be "located in the IP network" (line 4). The call management device thereupon routes the call based on "the call forwarding information contained in said active call forwarding profile" (lines 11-12).

Again, Fuller/Arbel's control system 10 is on the customer premises, not in the IP network. Fuller/Arbel's control system 10 thus cannot be said to correspond to the call management device of claim 19. Nor does anything in Fuller/Arbel anticipate the recitation in claim 19 that the active call forwarding profile is sent to an entity "located in the IP network." It is true that Fuller/Arbel includes an entity in the network, e.g., central office. However, that entity in Fuller/Arbel is not one to which an active call forwarding profile stored in control system 10 is sent, as this claim requires. Rather, as previously noted, any call forwarding profile that exists in Fuller/Arbel is stored in control system 10 and is

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utilized there. Its data is not sent anywhere else.

#### Independent Claim 38

Claim 38 is a method claim that distinguishes the invention from Fuller/Arbel for reasons set forth hereinabove. For example, claim 38 requires the call manager—the entity to which the active call forwarding profile is sent—to be “within said IP telephone network” (lines 9-10). And while Fuller/Arbel does have a call managing entity—the central office—within the network, that entity is not one that receives call forwarding profile information that would be stored in control system 10. Moreover, the signaling between Fuller/Arbel’s central office and control system 10 does not include the transmitting of a “first data message” (line 7) which causes the stored call forwarding profile to be checked “without said call being extended to said customer premises equipment” (lines 10-11). Rather, as already noted, it is a ringing voltage, not a data message, which causes Fuller/Arbel’s control system 10 to begin call forwarding procedures. And, moreover, those procedures only begin after Fuller/Arbel’s control system 10 responds to the ringing signal by taking the called telephone off hook, whereupon the call is extended to the customer premises equipment, contrary to the recitations of claim 38.

#### Independent Claim 52

Claim 52 is a method claim directed to the steps carried out by a call manager within an IP telephone network for providing call forwarding pursuant to the principles of the present invention.

This claim distinguishes the invention from Fuller/Arbel for reasons set forth hereinabove. In particular, claim 52 recites the sending of a control signal from the call manager within the IP telephone network to a port at the location of the telephone being called without extending the call to the port (lines 4-5). If a call forwarding profile is active, the call manager receives from the port information detailing that profile and then routes the call in accordance with the information. By contrast, as previously noted, Fuller/Arbel does

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not send call forwarding profile information to any network entity, but processes all the call forwarding information locally, contrary to the recitations of claim 52. Moreover, Fuller/Arbel does initially extend the call to the called telephone.

In rejecting claim 52, the Office action states that "Rogers teaches decision was made on routing the calls...read on claimed 'send control signal'." Applicants do not doubt that one or more operations in Rogers can be characterized as sending a control signal. However, there would be no motivation on the part of the person of ordinary skill to use a control signal for the purposes set forth in claim 52 because in the Fuller/Arbel arrangement, the call forwarding processing is initiated by a ringing signal and control system 10 -takes over from there.

### **Dependent Claims**

Each of the dependent claims depends from one or the other of the above-discussed independent claims. Thus each of those claims is submitted to be allowable at least based on the discussion above.

### **Conclusion**

In view of the foregoing, it is respectfully submitted that even if it were obvious to combine Fuller, Arbel and Rogers in the manner suggested in the Office action, each of applicants' claims includes limitations that distinguish the invention from any such combinations.

In particular, the Office action of 07/02/2003 asserts that it would be obvious to provide call forwarding, which is a well-known telephony functionality, in different environments, including IP. What is clear from the foregoing, however, is that applicants' claims go beyond merely defining the provision of call forwarding in an IP environment. Rather, those claims define applicants' specific way of carrying that out—something that is

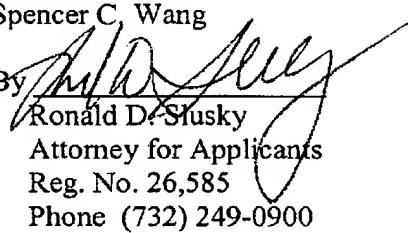
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not shown in, nor rendered obvious by, the prior art.

Reconsideration is requested.

Respectfully,  
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